

**HOGAN & HARTSON L.L.P.**

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**IMPORTANT NOTICE**  
**TELECOPY/FACSIMILE COVER LETTER**

**TO:** FARRA  
Deposit Account

**DATE:** July 7, 2005

**FROM:** Carol W. Burton, Esq./  
DeAnn Sandoval

**TIME:** 3:40 pm  
10:00 a.m.

**TOTAL NO. OF PAGES, INCLUDING COVER:** 2

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**MESSAGE:**

Farra,

In review of our Deposit Account Statement, we note two entries (circled and starred on attached) which do not belong to our firm, Hogan & Hartson, LLP. One belongs to Richard Holzer, Denver, CO and the other belongs to Phillips Intellectual Property & Standards, NY. Please remove from our account accordingly.

Thank you in advance for your assistance. Should you have any questions, please call DeAnn Sandoval at 303 454.2453.

Thank you.

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TELECOPY/FAX NUMBER: 703.308.6778 571.273.6500  
 CLIENT NUMBER: 73049.0333  
 ATTORNEY BILLING NUMBER: 3049  
 CONFIRMATION NUMBER: 703.305.4631



**United States  
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**Deposit Account Statement**

Requested Statement Month: June 2005  
 Deposit Account Number: 501123  
 Name: HOGAN & HARTSON  
 Attention: MS. JODY DEUTSCH  
 Address: 1200-17TH STREET  
 City: DENVER  
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 Zip: 80202  
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DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
06/03	1	10788044	ARR001 CIP2	1202	\$300.00	\$5,231.00
06/07	82	E-REPLENISHMENT		9203	-\$5,995.00	\$11,226.00
06/08	1	10721940	70999.0020	2251	\$60.00	\$11,166.00
06/14	4	10798818	233-524-DV1	1814	\$130.00	\$11,036.00
06/15	368	10503790	AN11728(P5)US	1251	\$120.00	\$10,916.00
06/16	6	09853938	NL 000254	1201	\$200.00	\$10,716.00
06/21	53	10811628		9204	-\$300.00	\$11,016.00
06/22	79	11103772		8021	\$40.00	\$10,976.00
06/27	1565	11110324		8021	\$40.00	\$10,936.00
06/27	1731	60522340	INFO0001 PRO	8021	\$40.00	\$10,896.00
06/27	1931	10339133	SRC001 CON2	8021	\$40.00	\$10,858.00
06/28	773	11112613		8021	\$40.00	\$10,818.00
06/29	29	09835839	CIRC021	2253	\$510.00	\$10,306.00
06/29	68	60594284	WRAY0019 PRO	1005	\$200.00	\$10,106.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$5,231.00	\$1,720.00	\$6,295.00	\$10,106.00

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Deanne  
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PTO/SB/26 (08-04)

Approved for use through 07/31/2006. OMB 2055-0031  
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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
MCD111DV/233-524-DV1

In re Application of: Nelson et al.

Application No.: 10/798,818

Filed: March 10, 2004

For: McDATA Corporation and IBM Corporation

The owner, McDATA Corporation, of 50 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,728,803 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is released; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 42,888

Signature

5-3-05

Date

Adjustment Date: 09/08/2005 SDIRETA1  
06/14/2005 JDOBBS 00000004 501123 10798818  
01 FC:1814 130.00 CR

Richard J. Holzer, Jr.

Typed or printed name

720-377-0774  
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT.Docket Number (Optional)  
MCD111DIV/233-624-DV1

In re Application of: Nelson et al.

Application No.: 10/798,818

Filed: March 10, 2004

For: McDATA Corporation and IBM Corporation

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The owner, IBM Corporation, of 50 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 8,728,803 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

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- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 42,668

Signature

6-3-05

Date

Richard J. Holzer, Jr.

Typed or printed name

720-377-0774  
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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